

**Gallatin County Interim Zoning Gravel Pit Task Force
Minutes June 23, 2009**

Date: June 23, 2009

Time: 6:30 AM

- Place: Belgrade City Hall, 91 E. Central
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Task Force Members Present: Don Seifert, Shane Skinner, Alvin VanderVos, Sandy Lee, Ron Pike, Dick Huttinga, Jackie Flikkema

Task Force Members Absent: Drew Jenkins, Rich Morse

County Staff/Personnel Present: Jason Karp, Heidi Jensen, Tom Rogers

County Commissioners Present: None

Public Present: Carol Roark

Meeting commenced at 6:44 AM

No Public Comment.

Minutes read.

Don began by starting off and talking about how we need to recognize this is crunch time. He stated that we may have to increase our meeting time, have more meetings or as Carol mentioned be more efficient at the next meetings. We will have to spend more time going line through line with the regulations and determining what is going to work and what is not. What he wanted to talk about today was what we have talked about before the idea of a development plan. It is to address permit creep. The handout contained the PUD regulations from the Gallatin County Subdivisions, the Belgrade City PUD regulations and a map. Don talked about how a PUD isn't set in stone and that it is pretty conceptual. A development plan is completely different than an operational plan. Jason said that if we read the first paragraph of each chapter provided an understanding of what the concept is would be. Alvin said that some of the PUD's that the City of Manhattan has done. I talked to the group as to why a map of the Prescott Property was included and how some of the land is not owned but included. The big point is that this could possibly be an incentive in that you may not own it, may not want to do anything with the land in 20-years however, tell us what you want to do.

Jackie wants to know who is qualified to do this? Carol had a question as to whether a development plan with the pits you have already permitted would be something that could be done? Could you start in one corner, instead of the middle of the land? She understands that it is often the best way for a contractor to start in the middle and work

out for economic reasons, but could you do this? Ron said the land across from Carol was not the best forethought in land use. He thinks that you will see a difference in the way pits are done. In our plan of operation with the Morgan Pit it is all spelled out. This is the first ten years the next ten and so forth. Don said what we are trying to do is to get some of it down at the County level. You already have the operating permit, and there has been some distrust with DEQ. This is a concept that happens at the County level that gives predictability to the neighbors. Jackie doesn't see this as a concept, but as a plan. Don referred to the map in the handout and how it is a plan but one that can be modified with ease. Jackie says it is included with the plan of operations. The Group expressed extreme distrust of the DEQ. Jackie talked about the Legislative change. Tom asked about whether we are talking about the permitted area or the area around? Permit creep was the issue we were addressing to begin with. What happens inside is an economic component is hard to work decide. Tom doesn't want to suggest to DEQ how they should operate their pit, however we do have Good Neighbor Policies and maybe when the non-compatible uses are seen we could add language to make that stronger for geographic issues. Tom said that one issue to address pit size would be to require PUD assessment of the surrounding area and submit that in addition to the Plan of Operations. We could see if neighbors were around, agricultural, etc. Perhaps this could be addressed at the public hearing. Ron said the interesting thing is you will have a resident telling the operator what to do. That to him does not work. Tom said a solution to that is roughly we can create an inverse graph, economic value and nuisance and someplace in between is a happy medium. Operators are for profit however here is what we can do to help you. Don said that one way to look at this is that these issues are items that need to be addressed and negotiated so to speak during the CUP process. When we come to areas that we can not seem to come up with what is exactly going to work right for everybody. Jackie said we have to recognize that there are residents that will never be made happy. When it comes down to regulation we need to come down to mitigation techniques. Putting out new rules is not going to solve the problem. Don said this is one of the mitigation tools, by saying we are going to mine right here right now.

Carol said maybe she could provide an example. The pit she knows the best is the one she lives by. DEQ got calls from neighbors called because the 20-acre berm was ruining their view of the Bridger's. Had we had a County process in place a local compromise, when DEQ doesn't understand since they are in Helena. Jackie agreed, that local compromise is good but it will still be locals against locals. Don said it would be helpful to have local control. Ron said what do we do when DEQ and the County disagree? DEQ would have jurisdiction. This is the process to make compromise work. Don said in his thinking is that is why we are doing all of this. Jason said that is what got us here. Where the County was the most frustrated was roads. Offsite roads were not addressed well. Don said that is the concept. Land use analysis maybe is better than a development plan for a title. Tom said maybe we are talking about the reality of perception. There is simply no control over property, there is no right, no wrong, but the potential would be recognized. Jackie doesn't want the liability of saying there is gravel on neighboring land.

Don said could we incorporate the Plan of Operations that goes to DEQ into the CUP process. Tom said that the pits he has looked at have had phasing plans, but do you ever show how you are mining if you submit phases. Jackie said you have to show it on your map. When you go through that process and you hit bedrock then they understand you may have to amend your plan. Don said that one of the issues is that when you have an operation on a parcel of land this is how we are going to phase it. When you get to phase 4 that you haven't described in the process that only included 3 phases, and you have 40-acres to go? Jackie said you have to get a new permit. Don asked if we were going to say that you have to go through another CUP process? Alvin was wondering why we don't use the same form that is sent to DEQ at the County level? Carol said we need additional information at the County. Jackie said she writes it out. Alvin said he sees both sides. Don wanted to know if we could just include a simple phrase about significant change. I asked what we were going to define significant as?

The TF talks about calling the Operator first when a complaint arises. Jackie would much rather have a complaint call go directly to them prior to the County. She would like the County to require the Operator notice the neighbors. Any major changes to the Plan of Operations, and sent to DEQ shall be sent to the neighbors. Ron thinks that reclamation should be notified. Any time there is changes to the open cut permit require county and neighborhood notification which is a courtesy notice. The 1,000 feet by regular mail residents shall be provided to the County.

Don talked about meeting times. July 8th will be the next meeting 6:30 a.m.